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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/804,271

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John A. Damm JR.

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7590

01/23/2009

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EXAMINER

SANDERS, AARON J

ART UNIT

PAPER NUMBER

2168

MAIL DATE

DELIVERY MODE

01/23/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/804,271

**Applicant(s)**

DAMM, JOHN A.

**Examiner**

AARON SANDERS

**Art Unit**

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 November 2008 has been entered.

### ***Response to Amendment***

The amendment filed 12 November 2008 has been entered. Claims 1-18 are pending. Claims 1-4, 6-9, and 12-17 are currently amended. No claims are cancelled. No claims are new.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 7-12 and 16-18 are rejected under 35 U.S.C. 102(a) as being anticipated by “StatTrak K-ForCE Pocket PC Edition Help,” AllPro Sports Software, June 2003 (“StatTrak”).

7. StatTrak teaches “*A method of updating a spreadsheet-based cell having a cell-based drop-down list, the drop-down list including a plurality of alternative cell values, the method comprising the steps of,*” see Figs. 28-33, where the user can select the player and position.

StatTrak teaches “*tapping on the spreadsheet-based cell of a spreadsheet*,” see Figs. 28-33, where the claimed “spreadsheet-based cell” is the referenced cell into which the first player number is entered.

StatTrak teaches “*automatically displaying the drop-down list in response to tapping on the spreadsheet-based cell*,” see Fig. 29, which displays the claimed “drop-down list.”

StatTrak teaches “*tapping on one of the alternative cell values to select a new cell value*,” see Figs. 29-30 and “Here we select number 63, Joe,” where the claimed “alternative cell values” are the referenced list of players.

StatTrak teaches “*and automatically entering the new cell value into the spreadsheet-based cell*,” see Figs. 30-31, where the claimed “new cell value” is the referenced “63.”

StatTrak teaches “*wherein the new cell value represents a new value of a player in an athletic competition*,” see Figs. 28-31, where the referenced number “63” “represents a new value of a player,” namely “Joe.”

StatTrak teaches “*and wherein the spreadsheet-based cell is configured to be referenced by other cells of the spreadsheet*,” see Figs. 30-31, where the value “63” in the “#” column is referenced by the corresponding cell in the “Player” column to populate that cell with the value “Joe.”

8. StatTrak teaches “*The method of claim 7, wherein the steps of tapping on the spreadsheet-based cell and tapping on one of the alternative cell values are performed by a person*,” see Fig. 29 and “We can enter the starting lineup by number. Here we select number 63, Joe.”

9. StatTrak teaches “*The method of claim 7, wherein the steps of tapping on the spreadsheet-based cell and tapping on one of the alternative cell values comprise the step of tapping on a touch screen using a stylus,*” see 8.0, “Much of the game can be scored without the use of the stylus” which shows that the previously cited “tapping” is performed with the stylus.

10. StatTrak teaches “*The method of claim 7, wherein the steps of automatically displaying the drop-down list and automatically entering the new cell value are performed by a computer,*” see 1.0, “K-ForCE is a baseball/softball scoring program for PocketPC.”

11. StatTrak teaches “*The method of claim 10, wherein the computer is a handheld computer,*” see 1.0, “K-ForCE is a baseball/softball scoring program for PocketPC.”

12. StatTrak teaches “*The method of claim 7, further comprising the step of automatically updating the value of other cells whose value depends upon the value of the spreadsheet-based cell,*” see “**Scoreboard...** A scoreboard is maintained and updated with runs, hits and errors, with an inning by inning total of runs.”

16. StatTrak teaches “*A method of updating a spreadsheet-based cell having a cell- based drop-down list, the drop-down list including a plurality of alternative cell values, the method comprising the steps of,*” see Figs. 28-33, where the user can select the player and position.

StatTrak teaches “*clicking on the spreadsheet-based cell of a spreadsheet,*” see Figs. 28-33, where the claimed “spreadsheet-based cell” is the referenced cell into which the first player number is entered.

StatTrak teaches “*automatically displaying the drop-down list in response to clicking on the spreadsheet- based cell,*” see Fig. 29, which displays the claimed “drop-down list.”

StatTrak teaches “*clicking on one of the alternative cell values to select a new cell value*,” see Figs. 29-30 and “Here we select number 63, Joe,” where the claimed “alternative cell values” are the referenced list of players.

StatTrak teaches “*and automatically entering the new cell value into the spreadsheet-based cell*,” see Figs. 30-31, where the claimed “new cell value” is the referenced “63.”

StatTrak teaches “*wherein the new cell value represents a new rating of a player in an athletic competition*,” see Figs. 28-31, where the referenced number “63” “represents a new value of a player,” namely “Joe.”

StatTrak teaches “*and wherein the spreadsheet-based cell is configured to be referenced by other cells of the spreadsheet*,” see Figs. 30-31, where the value “63” in the “#” column is referenced by the corresponding cell in the “Player” column to populate that cell with the value “Joe.”

17. StatTrak teaches “*The method of claim 16, wherein the steps of clicking on the spreadsheet-based cell and clicking on one of the alternative cell values are performed by a person using a computer mouse or other pointing device*,” see 8.0, “Much of the game can be scored without the use of the stylus” which shows that the previously cited “clicking” is performed with the stylus.

18. StatTrak teaches “*The method of claim 16, wherein the steps of automatically displaying the drop-down list and automatically entering the new cell value are performed by a personal computer or laptop*,” see 1.0, “K-ForCE is a baseball/softball scoring program for PocketPC.”

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, U.S. 5,721,847 ("Johnson"), in view of "Spin Button Embedded on Excel Spreadsheet," Experts-Exchange.com, March 2001 ("Exchange"), and in view of "StatTrak K-ForCE Pocket PC Edition Help," AllPro Sports Software, June 2003 ("StatTrak").

1. Johnson teaches "*A method of updating a spreadsheet-based cell having a value, the method comprising the steps of,*" see col. 2, l. 57 – col. 3, l. 4, "the control comprises... a spinner. A change in the value of the cell to which the control is linked causes a corresponding change in the parameter of the control."

Johnson teaches "*tapping on the [spinner] at least two times,*" see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, "The upward and downward pointing arrows of the spinner enable the user to change the value in the spreadsheet cell that is linked to the spinner graphic control incrementally between a minimum and a maximum value." Johnson does not teach that the spinner is part of the "*spreadsheet-based cell*" so that when the user taps the spinner, he or she is also tapping the "*spreadsheet-based cell*." Exchange does, however: "I have many controlbox controls (in this case spin buttons) that are each totally within their own unique cell on my spreadsheet." Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Exchange's

teachings would have allowed Johnson's method to permit user choice in the location of cell controls, see Exchange, whose author considered it advantageous to control a cell's value with embedded spinners instead of linked spinners.

Johnson teaches "*automatically increasing the value of the cell by a predetermined increment each time the [spinner] is tapped*," see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, "Each click on one of the upward or downward pointing arrows comprising the spinner graphic control changes the value in the linked cell by an incremental amount." Johnson does not teach that the spinner is part of the "*spreadsheet-based cell*" so that when the user taps the spinner, he or she is also tapping the "*spreadsheet-based cell*." Exchange does, however: "I have many controlbox controls (in this case spin buttons) that are each totally within their own unique cell on my spreadsheet." Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Exchange's teachings would have allowed Johnson's method to permit user choice in the location of cell controls, see Exchange, whose author considered it advantageous to control a cell's value with embedded spinners instead of linked spinners.

Johnson teaches "*maintaining the value of the spreadsheet-based cell after each tap until the spreadsheet-based cell is tapped again*," see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, "A current value box 132 in FIG. 2H enables the user to set an initial default value that appears within the spreadsheet cell linked to the spinner graphic control, as indicated in a cell link box 142. In the example shown in FIG. 3D, spreadsheet cell D5 is linked to spinner graphic control 168."



Johnson does not teach “*and recording a statistic of an athletic competition using the value of the spreadsheet-based cell.*” StatTrak does, however, see Fig. 51 and 7.1, “Numbers appear in the boxes indicating the pitch count of each ball/strike,” where the claimed “statistic” is the referenced “pitch count.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because StatTrak’s teachings would have allowed Johnson’s method to gain another use for its spreadsheet program, see StatTrak Figs. 221-25 which show a method of exporting the statistics to Microsoft Excel.

2. Johnson teaches “*The method of claim 1, wherein the step of tapping on the spreadsheet-based cell is performed by a person,*” see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, “The upward and downward pointing arrows of the spinner enable the user to change the value in the spreadsheet cell that is linked to the spinner graphic control incrementally between a minimum and a maximum value.”

3. Johnson does not teach “*The method of claim 1, wherein the step of tapping on the spreadsheet-based cell comprises the step of tapping on a touch screen using a stylus.*” StatTrak does, however, see Fig. 51 and 8.0, “Much of the game can be scored without the use of the stylus” which shows that the previously cited “tapping” is performed with the stylus. Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because StatTrak’s teachings would have allowed Johnson’s method to gain portability, see StatTrak 1.0.

4. Johnson teaches “*The method of claim 1, wherein the step of automatically increasing the value of the spreadsheet-based cell by a predetermined increment is performed by a*

computer,” see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, “Each click on one of the upward or downward pointing arrows comprising the spinner graphic control changes the value in the linked cell by an incremental amount.”

5. Johnson does not teach “*The method of claim 4, wherein the computer is a handheld computer.*” StatTrak does, however, see 1.0, “K-ForCE is a baseball/softball scoring program for PocketPC.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because StatTrak’s teachings would have allowed Johnson’s method to gain portability, see StatTrak 1.0.

6. Johnson teaches “*The method of claim 1, further comprising the step of automatically updating the value of other cells whose value depends upon the value of the spreadsheet-based cell,*” see col. 13, ll. 9-22, “Since other spreadsheet cells in the spreadsheet may include formulas that depend upon the value in the linked cell, decision block 200 determines if a change in the linked cell value must be used to update other cells of the spreadsheet. If so, a block 202 re-cues the spreadsheet for recalculation to reflect such changes in spreadsheet cells that are dependent upon the linked cell.”

13. Johnson teaches “*A method of updating a spreadsheet-based cell having a value, the method comprising the steps of,*” see col. 2, l. 57 – col. 3, l. 4, “the control comprises... a spinner. A change in the value of the cell to which the control is linked causes a corresponding change in the parameter of the control.”

Johnson teaches “*clicking on the [spinner] at least two times,*” see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, “The upward and downward pointing arrows of the spinner enable the user to change the value in the spreadsheet cell that is linked to the spinner graphic control

incrementally between a minimum and a maximum value.” Johnson does not teach that the spinner is part of the “*spreadsheet-based cell*” so that when the user taps the spinner, he or she is also tapping the “*spreadsheet-based cell*.” Exchange does, however: “I have many controlbox controls (in this case spin buttons) that are each totally within their own unique cell on my spreadsheet.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Exchange’s teachings would have allowed Johnson’s method to permit user choice in the location of cell controls, see Exchange, whose author considered it advantageous to control a cell’s value with embedded spinners instead of linked spinners.

Johnson teaches “*automatically increasing the value of the cell by a predetermined increment each time the [spinner] is clicked*,” see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, “Each click on one of the upward or downward pointing arrows comprising the spinner graphic control changes the value in the linked cell by an incremental amount.” Johnson does not teach that the spinner is part of the “*spreadsheet-based cell*” so that when the user taps the spinner, he or she is also tapping the “*spreadsheet-based cell*.” Exchange does, however: “I have many controlbox controls (in this case spin buttons) that are each totally within their own unique cell on my spreadsheet.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Exchange’s teachings would have allowed Johnson’s method to permit user choice in the location of cell controls, see Exchange, whose author considered it advantageous to control a cell’s value with embedded spinners instead of linked spinners.

Johnson teaches “*maintaining the value of the spreadsheet-based cell after each click until the spreadsheet-based cell is clicked again,*” see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, “A current value box 132 in FIG. 2H enables the user to set an initial default value that appears within the spreadsheet cell linked to the spinner graphic control, as indicated in a cell link box 142. In the example shown in FIG. 3D, spreadsheet cell D5 is linked to spinner graphic control 168.”

Johnson does not teach “*and recording a statistic of an athletic competition using the value of the spreadsheet-based cell.*” StatTrak does, however, see Fig. 51 and 7.1, “Numbers appear in the boxes indicating the pitch count of each ball/strike,” where the claimed “statistic” is the referenced “pitch count.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because StatTrak’s teachings would have allowed Johnson’s method to gain another use for its spreadsheet program, see StatTrak Figs. 221-25 which show a method of exporting the statistics to Microsoft Excel.

14. Johnson teaches “*The method of claim 13, wherein the step of clicking on the spreadsheet-based cell is performed by a person using a computer mouse or other pointing device,*” see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, “The upward and downward pointing arrows of the spinner enable the user to change the value in the spreadsheet cell that is linked to the spinner graphic control incrementally between a minimum and a maximum value.”

15. Johnson teaches “*The method of claim 13, wherein the step of automatically increasing the value of the spreadsheet-based cell by a predetermined increment is performed by a personal computer or laptop,*” see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, “Each click on one

of the upward or downward pointing arrows comprising the spinner graphic control changes the value in the linked cell by an incremental amount.”

### ***Response to Arguments***

Applicant’s arguments with respect to the 35 U.S.C. 102 rejections of claims 1-6 and 13-15 have been considered but are moot in view of the new ground(s) of rejection.

As per Applicant’s argument that StatTrak’s scorecard (Figs. 28-46) is not a spreadsheet, the Examiner respectfully disagrees. Applicant asserts that StatTrak’s use of the term “boxes” instead of “cells” is evidence that the scorecard is not a spreadsheet. There is no evidence to support the assertion that the term “cell” is universally used, and even if it were, StatTrak is free to use whatever term it wishes. Further, simply because a user can export StatTrak statistics to Microsoft Excel does not mean that StatTrak’s interface has no spreadsheets. Rather, those spreadsheets may simply be limited to basic functions, and Excel would be used for more advanced functions, e.g. customized reports, sorting, and reformatting (see Fig. 225).

Finally, StatTrak’s scorecard is a spreadsheet based on Applicant’s definition of one, i.e. that cells reference each other and contain internal formulae. For example, in Figs. 30-31, a user has selected the value “63” in the “#” column, and when the cell is deselected, the value “Joe” appears in the “Player” column and a “1” appears in the “I” column. Thus, the cells containing “Joe” and “1” reference the cell containing “63” and fill in the values “Joe” and “1” using some function that matches player number “63” with player name “Joe” and “1” with “1.” The same process is repeated for “Francis” in Figs. 34-35. Figs. 38-40 show that the same process can be done by selecting a player name instead of a player number, which demonstrates further

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relationship between the cells. Even if the entire scorecard interface is not a spreadsheet (e.g. columns 1, 2, etc.), the four columns comprising player information are. Thus, even though StatTrak does not call the scorecard a spreadsheet or use the term “cell,” it clearly has the functionality of a spreadsheet by Applicant’s own definition and as would be commonly known in the art.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Sanders whose telephone number is 571-270-1016. The examiner can normally be reached on M-F 9:00a-4:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tim T. Vo/  
Supervisory Patent Examiner, Art Unit  
2168

/Aaron Sanders/  
Examiner, Art Unit 2168  
14 January 2009